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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF THE WEST, a California
banking corporation,

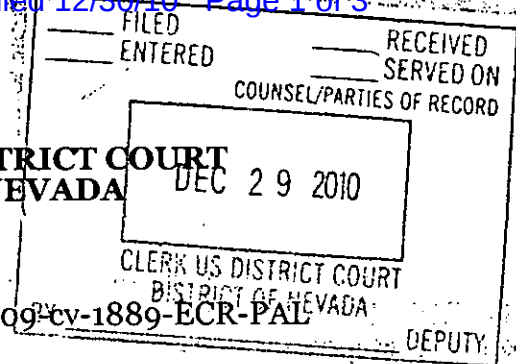
Plaintiff,

vs.

MONUMENT CAPITAL, INC., a Nevada
corporation; THOMAS H.
McCORMICK, an individual; CRISTEN
J. McCORMICK, an individual; THE
McCORMICK FAMILY TRUST, a trust
situated in the State of Nevada; and
DOES I-X, inclusive.

Defendants.

2:09-cv-1889-ECR-PAL



AMENDED SCHEDULING ORDER

13 In our order, filed contemporaneously, we denied motions for summary judgment filed
14 by Plaintiff (#24) and by Defendants (#23) on the basis that the case should be converted to
15 a deficiency action.

16 Plaintiff shall file an amended complaint with an application for a deficiency judgment
17 within twenty one (21) days from the date of entry of this Order.

18 The previous scheduling order (#20) is **VACATED**.

19 The following Scheduling Order shall govern this case:

20 1. **Discovery shall be completed within one hundred twenty (120) days**
21 **from the date of entry of this Order.**

22 2. Pleadings filed pursuant to Rules 13 and 14 (relating to **counterclaims and**
23 **third-party practice**) or Rules 19 and 20 (relating to **joinder** of parties) of the Federal
24 Rules of Civil Procedure shall be filed **no later than sixty (60) days prior to the close**
25 **of discovery**. Any party causing an additional party or parties to be joined in this action
26 shall, at the time such party or parties are joined, cause a copy of this order to be served upon
27 such party or parties.
28

3. **Amendments to the pleadings** filed pursuant to **Rule 15** of the Federal Rules of Civil Procedure, or motions for leave to amend, shall be filed **no later than thirty (30) days prior to the close of discovery.**

4. The **disclosures concerning experts** specified in Fed. R. Civ. P. 26(a)(2)(C) shall be made **no later than sixty (60) days before the close of discovery**. Disclosures concerning rebuttal experts shall be made thirty (30) days after the initial disclosure of experts.

5. The **interim status report** otherwise required by Local Rule 26-3 shall **not** be filed.

6. **Within thirty (30) days after the close of discovery, Plaintiff shall make application to the Court to set the required hearing under Nev. Rev. Stat. § 40.457.**

6. Dispositive motions, including motions for **summary judgment**, must be filed **no later than thirty (30) days after the Court files its decision with respect to the hearing required under Nev. Rev. Stat. § 40.457.**

7. **Thirty (30) days after the date set for filing dispositive motions, the parties shall file a joint pretrial order with respect to any remaining issues,** unless dispositive motions are pending on that date, in which case the parties shall file a joint pretrial order with respect to any remaining issues within thirty (30) days after the Court renders its decision on all such motions.

8. The **joint pretrial order** required to be filed by the parties shall contain the information prescribed in **Local Rules 16-3 and 16-4**, except that, notwithstanding Local Rule 16-3(c)(12), the joint pretrial order shall **not contain a list of motions in limine filed.**

9. Any motion filed beyond the applicable time limits set by this Order shall be stricken, unless the Court orders otherwise for good cause shown.

10. Applications to extend any date set by this Order must, in addition to satisfying the requirements of Local Rule 6-1, be supported by a showing of good cause. All motions or stipulations to **extend discovery** must be received by the court **no later than twenty (20) days before the close of discovery** or any extension thereof previously granted.

Any motion or stipulation to extend or to reopen discovery shall include:

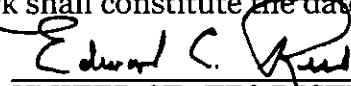
- (a) a statement specifying the discovery completed;
- (b) a specific description of the discovery that remains to be completed;
- (c) the reasons why the discovery remaining was not completed within the time limits set by the discovery plan; and
- (d) a proposed schedule for completing all remaining discovery.

11. If the Federal Rules of Civil Procedure provide for any time period for the filing of motions or pleadings shorter than the analogous period provided for in this Order, the shorter time period provided for by the Federal Rules shall govern, without regard to the time limit set forth in this Order.

12. Any party seeking an amendment to this Order shall, **within sixty (60) days** of the date of this Order, file with the Court and serve on all parties to the case a statement of the proposed amendment and the reasons for it. Each other party shall then have **fifteen (15) days** within which to file and serve a response. Any proposed amendment to the Order after expiration of the sixty (60) day period shall be granted only upon motion and for good cause shown. The provisions contained in this paragraph for amendment of this Order shall satisfy the consultation requirement of Fed R. Civ. P. 16(b).

13. Whenever a party or counsel is required by this Order to make service of any document of any sort, that party or counsel shall promptly file with the Clerk of the court a certificate that service has been made.

THE DATE of the Clerk's file mark shall constitute the date of this Order.


UNITED STATES DISTRICT JUDGE